

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EXITEXCHANGE CORP.,

Plaintiff,

v.

MANWIN USA, INC., and MANWIN D.P.
CORP.

Defendants.

CIVIL ACTION NO. 2:13-cv-00400-JRG

JURY TRIAL DEMANDED

**DECLARATION OF ANTOINE GIGNAC IN SUPPORT OF DEFENDANTS MANWIN
USA, INC.'S AND MANWIN D.P. CORP.'S
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)**

I, Antoine Gignac, declare as follows:

1. I am employed as Legal Counsel for Manwin Canada. I make this declaration based upon my personal knowledge and following a reasonable investigation, and if called upon to testify, could and would testify competently to the matters set forth below.

2. I understand that Plaintiff ExitExchange Corp. has accused Manwin USA, Inc. and Manwin D.P. Corp. of using systems and methods of making pop-under advertisements that infringe the claims of U.S. Patent No. 7,353,229. I further understand that Plaintiff's claims are premised upon the following websites: <http://www.tube8.com>; <http://www.pornhub.com>; and, <http://www.redtube.com>.

3. These accused websites are not operated by Manwin USA, Inc. and Manwin D.P. Corp. The website www.redtube.com is not currently owned or operated by any Manwin entity. The websites www.tube8.com and www.pornhub.com are operated by GS Wise Limited and

DCI Daily Capital Investment Limited, both Cyprus companies owned by Manwin Freesites S.a.r.l, which is owned by Manwin Licensing International S.a.r.l.

4. Manwin Licensing International S.a.r.l. is the owner of the trademarks and domain names for www.tube8.com and www.pornhub.com. It grants operating companies the right to use the trademarks and domain names.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on 2nd day of August, 2013, in Montreal, Canada.



Antoine Gignac